

To: Oregon House Rules Committee  
From: Anne Taliaferro  
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RE: SB 870 - National Popular Vote Interstate Compact  
Testimony in support  
Date: May 20, 2019

One objection I often hear to the National Popular Vote bill is that the Electoral College protects us from “mob rule”. Let’s take a look at that claim.

One purpose of the electoral college was to act as a deliberative body that would consider the will of the people and ensure that they didn’t elect someone who was unfit for office. This intent is made clear in Federalist Paper #68, which was written by Alexander Hamilton.

Hamilton claims that the Electoral College will provide “...*a moral certainty, that the office of President will never fall to the lot of any man who is not in an eminent degree endowed with the requisite qualifications*”.

He describes who should serve on the Electoral College to make this important determination:

*“the immediate election should be made by men most capable of analyzing the qualities adapted to the station and acting under circumstances favorable to deliberation”.*

The selection of the electors was intended to exclude people who “...*might be suspected of too great devotion to the President in office*”. Indeed, you might say it was designed to give more weight to the opinion of a small group of “elites”.

This process worked just fine with our first two elections when George Washington was the clear favorite and the election was not really contested. The election of 1796 showed that having the second place candidate serve as Vice President (which was a part of the original design of the process), was not a workable arrangement, so that led to the adoption of the 12th amendment, which provided for the Presidential nominee to select a running mate as VP.

During the election of 1800, Virginia adopted the “winner take all” method of allocating electoral votes, so that the winner of the popular vote received all of the electoral votes for the state. Other states quickly followed suit, and by the early 1800’s nearly all states used this method.

James Madison was one of the architects of the Electoral College, and he actually wanted another constitutional amendment to prohibit the “winner take all” practice, because it clearly negates the intent of having the electors act as a deliberative body. So now we have “mob rule” (also known as majority rule), in each state election.

And how do we select our electors to ensure that they do not have “*too great devotion to the President in office*”? We have a slate of Republican electors and a slate of Democratic electors, all of whom are chosen by members of their parties. So that process does not meet the original objective either.

Clearly the Electoral College has simply become a rubber stamp on the popular vote by state. But doesn't it still ensure that smaller states have their voices heard and that the large population centers don't determine the outcome of every election?

That's another complaint I've often heard - that with a National Popular Vote, New York and California will decide the outcome of every election.

While there are a lot of people living in those two states, they still only comprise 18% of the US population. Even if every voter in both states cast their ballot in the same way, they could not determine the outcome of the election. And although both states are considered solidly “blue”, there are still a lot of ballots cast for the Republican candidate.

In 2016 Donald Trump received more votes in New York and California (about 6,560,000), then he did in Alaska, Arkansas, Idaho, Iowa, Kansas, Mississippi, Montana, Nebraska, North Dakota, South Dakota, Utah, West Virginia and Wyoming combined.

Nevertheless, all 84 electoral votes from those two states went to Hillary Clinton. How many more Trump supporters didn't bother to vote because they knew that their votes would not make a difference in the outcome in their state?

The same is true here in Oregon. We consistently have about 45% of the voters cast their ballot for the Republican candidate, but none of our electoral votes have gone to the Republican since 1984 when the majority of Oregonians cast their ballots for George HW Bush.

With the National Popular Vote, all Oregonians will be able to have their ballots counted toward the total votes for their preferred candidate Nationally.

I urge you to pass this bill to the floor with a “Do Pass” recommendation.